

23

DOCKET  
NUMBER

U.S. DISTRICT COURT  
WEST. DIST. OF WISCONSIN

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

APR - 4 2002

NEIL GAIMAN, and  
MARVELS AND MIRACLES, LLC,

FILED/RECEIVED  
JOSEPH W. SKUPNIEWITZ, CLERK  
CASE  
NUMBER

Plaintiffs,

v.

Case No.: 02-C-0048-S

TODD MCFARLANE, and  
TODD MCFARLANE PRODUCTIONS, INC.,  
TMP INTERNATIONAL, INC.,  
MCFARLANE WORLDWIDE, INC., and  
IMAGE COMICS, INC.,

Defendants.

**AFFIDAVIT OF BRENDA ALLEN-JOHNSON**

STATE OF WISCONSIN     )  
                                      ) ss.  
COUNTY OF DANE         )

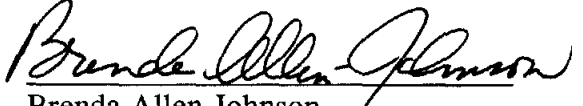
Brenda Allen-Johnson, being duly sworn, deposes and states as follows:

1. I am an employee of Foley & Lardner, the law firm representing plaintiffs in this action and I have personal knowledge of the facts stated herein.

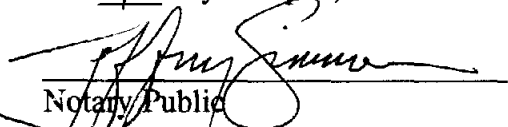
2. I searched on March 26 or 27, 2002 the BarnesNoble.com and Amazon.com websites to see if the book entitled: "Spawn Angela's Hunt" was available for sale. I found that both businesses offered this book for sale. I ordered "Spawn Angela's Hunt" from Amazon.com. Exhibit A is a true and correct photocopy of the copy of "Spawn Angela's Hunt" I received from Amazon.com.

3. On Wednesday, March 27, 2002 I searched the internet in an attempt to see whether the comic book *Spawn* Issue 26 is currently being republished and sold. I checked the websites of Image Comics and Todd McFarlane. I arrived at the website <http://www.spawn.com>, where I found reference to the reprinting of early issues of the *Spawn* monthly comic book series. This site showed that *Spawn* Issue 26, in its reprinted version, is currently being published as "Book Six" which, in addition to Issue 26, includes *Spawn* Issues 27-30 as well. Attached as Exhibit C is a true and correct copy of the relevant page from that website.

4. On Wednesday, March 27, 2002 I called Westfield's Comics, Etc., a comic book dealer in Madison, Wisconsin, and I inquired as to whether or not they had *Spawn* Book 6 available for sale. I was told that they did. Later that same day I drove to Westfield's Comics, Etc. and purchased *Spawn* Book No. 6, which is titled "Pathway to Judgement". Attached as Exhibit B is a true and correct photocopy of the copy of "Pathway to Judgement" I purchased from Westfield's Comics, Etc.

  
Brenda Allen-Johnson

Subscribed and sworn to before me  
this 4<sup>th</sup> day of April, 2002.

  
Notary Public  
State of Wisconsin, County of Dane  
My commission is permanent.